

when we got to Waikiki bridge; went on the tramcar.

Cross-examined:—Jim Lane, Lot Lane, William Lane, Hakuole Silva, Kelikuewa, John Lane, a native boy, Junius Kaee, his wife and myself were present when Kaee gave the advice for us to separate on reaching Waikiki; live near Kaunakapili; Lot Lane asked me on Saturday night to go to Kaee's house; reached there about 7 o'clock; there were four persons present when I arrived; later, Kaee, his wife and Hakuole came in; nothing talked of at that time; toasts took place shortly after my arrival; Lot Lane was the last to come in; was in the dining room all the while; Lot Lane was on the veranda when I arrived; Mrs. Kaee brought in the brandy that was drunk.

Kelikuewa recalled, stated:—Greig was our leader; Sam Nowlein was there; Greig led us around Kaalawai.

Sam Nowlein, on examination, told over again, the story of the conflict from beginning to end.

On cross-examination he told of the paper with the names of those who were going to join him in the revolution. He stated that he burned it on Sunday morning because he had no further use for it.

George Townsend:—Warren and I were sent to board a foreign schooner; arms and ammunition were taken aboard the Waimanalo; Jim Lane, Hakuole and Kelikuewa were in the fight; the Lanes and myself were under Wilcox.

Charles Warren:—Townsend and I were detailed to go out and see about arms; saw Jim, Willie and Lot Lane in the fight.

W. O. Smith:—Government did not have any information about uprising until Sunday, January 6th; it was a surprise to the Government.

The next witness in the defense was Robert Wilcox.

Wilcox:—Was at Kaee's house on the night of the Kakaako affair; while there Lot Lane and others, who I do not remember now, were there; was at Kaee's only once during the evening; Jim Lane, Willie Lane and Hakuole Silva were there; Lot Lane and I spoke about the revolution in a room by ourselves; nothing was said in the presence of others; after the discussion, Lot called the boys; Junius Kaee was not present when a discussion was going on about the revolution; Hakuole, James Lane, Willie Lane and I went toward Kaalawai; Hakuole went with me; that I am sure of; Lot had something else to do; he remained at the house; met Sam Nowlein on King street; Hakuole and I went as far as Bertelmann's; knew that arms were going to be landed at Kakaako; after we left Kaee's house, Hakuole was away from me about three minutes in all.

Cross-examined:—Jim and Willie Lane went on along King street; when Hakuole and I got into the back we saw no more of James and Willie; do not know why these two should have gone out on King street past Alapai when they should have gone to Kakaako; when I left, saw Nowlein, Hakuole, James Lane and Willie Lane were at the Chinese store near the seminary; we had intended to go on the tram-car first; after that decided to go in back; Markham passed by; told him to send me a hack from town; of all those who started from Kaee's on Thursday evening, only Hakuole and I went out to Waikiki; told the boys the police were "out"; the landing of arms at Kakaako; suppose the presence of the boys at Kaee's house that night was due to Lot Lane's orders; he told them that they were to go with me to Kakaako; do not know anything about Kaee; only caught a glimpse of him in the hall; Lot said nothing to the boys about what to do; only told them to go with Wilcox to Kakaako.

Lot Lane:—Know Junius Kaee; was at his house on the Thursday before the revolution; my home is at Kaee's; know Hakuole Silva; saw him on that day at Kaee's house; Hakuole, myself and my brothers were at the house; did not leave the house on Thursday night; Silva left with Jim; he returned later in the evening; on Thursday evening I spoke with Wilcox; Junius Kaee was not there; gave an order to Wilcox to detail six men to go to Waikiki; it was my own idea to give the order; my brothers and Wilcox were present when I gave the order; Kaee was not there; he had gone out during the evening, but he returned at 6 o'clock; told him his wife had gone to call on a friend and he left again; did not see him after that; Wilcox left the house at about half past eight that evening; was at Kaee's house on the Saturday before the outbreak; Kaee was out when I arrived; came in after seven o'clock; when he returned, James Lane, Willie Lane, Hakuole and some natives who live next to Kaee's were present; Kelikuewa came later; think Mrs. Kaee was there; came to the house about the same time as her husband did; told Hakuole that we were going to wait there until Wm. Hikini should come with the pistol; told him that Wilcox would be there about eight o'clock; Hakuole and I were alone in the parlor; Hakuole left the house before going with me; he went to John Ena's with Mrs. Kaee for the purpose of getting some money; this was about eight o'clock; they were gone about three quarters of an hour; Mrs. Kaee gave me some gold; she brought brandy in to us; do not remember who opened the bottle; there was enough for all, told Hakuole to come with me; we went out after that; the time was about half past eight; only took one drink; did not see how much the other boys took; Kaee did not say anything to me; he may have known something about the revolution; it is very probable that he did, for he was passing back and forth.

Cross-examined:—Kaee said Wilcox did not meet in the house while I was there.

J. W. Gibbs:—Was in Honolulu Thursday of the Kakaako affair; was at the saloon on that evening; am bartender at the Bay Horse; Kaee was there during the evening; am not sure as to exact time; spoke with him.

Cross-examined:—Only know the time of his arrival, from memory.

G. C. Kenyon:—Know Gibbs and Kaee both; on Thursday evening of the Kakaako affair was at the Bay Horse saloon; remained there until about eleven o'clock; do not remember seeing Kaee; played cards; Kaee frequents the place.

Willie Lane:—Remember Thursday after New Year's; was at Manoa; came down and went to Kaee's; Wil-

cox was there when I arrived, which was between 8 and 9 o'clock; went away with Wilcox; Wilcox spoke with Lot Lane; Hakuole was on the veranda; when he finished the conversation he came into the room where Jim Lane, Lot Lane, Wilcox and I were; did not see Kaee while I was in the house; went to Thomas Square, and then came back to the house; after that we got into a hack and followed Wilcox out to Waikiki; on Saturday before the fight, was at Kaee's house about 6 o'clock; went away again soon after; did not see Mrs. Kaee; went down to merry-go-round; Bartow was at Kaee's, together with Kelikuewa, Lot Lane, Hakuole, John Lane and Jim Lane; was only in the house about five minutes; nothing was said about overthrowing the Government while I was there; did not return that night.

Cross-examined:—Kaee was at home on Saturday night; did not see any liquor about the place; Manuel Rosa told me to go to Kaee's on Thursday night; Wilcox was talking to Lot, Jim and John Lane.

John Lane:—Kaee is my brother-in-law; think I was at his house on Thursday evening of the Kakaako affair; do not remember anyone who was; do not think that he was around when we were holding conversation; Kaee remains at home quite a good deal of the time; was home at about 8 o'clock on Saturday evening; did not see any drinking in the house; went to a dance a little after 8 o'clock; my brothers went out that evening before I left; it must have been about an hour previous to my departure for the dancing school; do not remember seeing Kaee there.

Cross-examined:—At about half past 9 o'clock on Wednesday evening I arrived home from the dancing school; think Willie and Hakuole were with me; Mrs. Kaee was at the house on Saturday night when I went to the dancing school; when I came back to the house with my hack, Kaee was standing out by the gate; that was about 8 o'clock; went to the ice cream parlors after the dance; there was no one at the house when I got home; Kaee and his wife were there that night; I don't know anything about Sunday night because I was in jail.

Re-direct examination:—On Thursday night do not remember that anything had been said in the presence of Kaee relative to the revolution.

At this point the Court adjourned until 7:30 o'clock.

EVENING SESSION.

Lot Lane, recalled, stated:—Left Kaee's Saturday night with Hakuole; did not see any of the other people after I left; went straight out to Bertelmann's in a hack.

Mrs. Kaee:—Am the wife of Junius Kaee; live on Beretania street; remember the outbreak that took place at Waikiki; on the Saturday evening before was at John Ena's, having left my house at about dark; Hakuole and I went together in a hack; do not remember just what hour it was; remained there about three-quarters of an hour; from John Ena's came toward town and stopped at Hough-talling's; got a bottle of brandy there; came straight home; Kaee, Jim Lane, John Lane and Lot Lane were at the house; these persons were in the dining room; Kelikuewa was "boozing" at the house; Lot opened the bottle of brandy and all of us in the room drank; know Charles Bartow; he was there and drank with the rest; Lot asked me to give a toast; it was, "For my own health and a long life;" do not remember of any response; only drank once as far as I remember; gave the toast in Hawaiian; do not remember any toast that was brought out to the ex queen; do not remember any sentiment as to victory; all got up and went out after drinking; was present when they left the house; Kaee was in the dining room when the drinking was going on; do not remember if Kaee said anything; did not pay any attention to the talking; did not hear Kaee tell the men to go out separately; nothing was said in my presence with regard to the overthrow of the Government; did not see Kaee retire to any room with any one else; Sunday morning Kelikuewa came around to the house to get a drink of gin; this was about 7 o'clock; he went away and returned at about 9 o'clock; there was no conversation; did not tell him that he would be kept out at Waikiki if he went there; did not know beforehand where he was going; do not keep a record of his doings; John Lane was at the breakfast table; did not see him give money to Kelikuewa.

Cross-examination:—On Sunday morning after breakfast went into my bedroom; Mrs. Fernandez came in after; do not remember seeing Abram Fernandez there; Willie went off Saturday night and did not see him after that; John was in the house somewhere when the drinking was going on; on the Thursday night previous Kaee and I went in a Chinese hack to Mrs. Auld's; Kaee went away and returned at about 11 o'clock; Lot was in the house when Kaee and I left; did not see Wilcox during the evening; don't remember seeing him there during the day; John went out after supper.

Junius Kaee:—On Thursday afternoon was at home; before sunset left the house and went away; had not eaten dinner; went to Bay Horse saloon; remained there until after 8 o'clock; went home; took my wife and went in a hack to Mrs. Auld's place; when I left my wife, walked down from Auld's; went back to the saloon again; did not see Wilcox that night; think I was at the saloon until it closed; did not see John Lane, Jim Lane, Willie Lane or Hakuole on Thursday night; think I saw some of these on Saturday evening; in the afternoon was at home; later took a walk to the market; got home about 8 o'clock; my wife, Lot, Jim, Hakuole, Kelikuewa and Willie Lane were in the dining room; were getting ready to eat; sat down on the back veranda; went into dining-room after that; it seems as if they had a bottle of brandy in the dining room; did not hear any of the conversation that was going on in the house; either Hakuole or my wife brought in the brandy; went to the room when I saw they had the brandy; my recollection is that a toast was drunk; did not talk to any of the men who were present; did not say anything to any one about going to Kaalawai separately for fear of being followed; slept at home Saturday night; nothing was said during the evening about arms; early on Sunday

morning was at home; got up pretty early; must have left the house about six o'clock; took a walk to the post office; waited around there for a while and returned to the house a little after eight o'clock; my wife was there; Kelikuewa was there during the morning; didn't hear anything said at the breakfast table; did not hear him say he was going out to Kaalawai; never heard Kelikuewa or Hakuole speak about the revolution.

With Kaee's testimony, the case was closed, and Attorney Neumann addressed the Court as follows:

"Mr. President and gentlemen: "Mr. Kaee is accused of misprision of treason and it is with some difficulty that I address the Court in his case, for the two witnesses on the side of the prosecution have told their stories just from the 'pure love of truth,' and of course cannot be contradicted.

"I claim, gentlemen, on our part, that the evidence given on the side of the prosecution is not sufficient to convict the prisoner. From the evidence given by the witnesses on the defense, Kaee was not present at his house on Thursday night, while the conspirators were laying their plans.

"Kelikuewa, the witness on the side of the prosecution, is a recognized drunkard and was in his habitual state Saturday night previous to the revolution. He is the only one who accused Mrs. Kaee of telling him that if he went out to Kaalawai he would not be able to get back. He is also the one who accused Kaee of telling him to keep from going out in groups. I submit that his evidence cannot be relied upon.

"Before this Court can convict the prisoner, there must be clear and absolute proof that he is guilty. Upon the ground that he is a native and, on that account, must have known something about the outbreak previous to Sunday night, you cannot convict him. Legal proof has not been brought forth, sufficient to convict the prisoner. We want something more than what we have heard.

"I ask you not to consider the evidence which the two witnesses for the prosecution have brought forth. One man is a confessed drunkard and the other a person who makes unreliable statements—statements which have been refuted by the other witnesses.

"I doubt whether, if I were a native, anything I might have known about the revolution would have been divulged by me. Kaee is a native. Gentlemen, he may have known something about this outbreak, but do not convict him for his feelings. You have the evidence and I feel assured you will do him justice."

Mr. Kinney addressed the Court on the side of the prosecution, as follows: "I believe that there has been a substantial case made out against the prisoner, Junius Kaee. The circumstances, with the evidence, point him out as a guilty man. One of the most prominent of the rebels, Robert Wilcox, together with the Lanes and others, held conversations in his house concerning the revolution. A witness has been produced who said that Kaee warned the men who started from the house, to keep them from collecting in groups on the road to Waikiki. Expeditions were planned in his house and the men who went to Kakaako on Thursday night, started from that place.

"I am willing to submit the case to the Court on the evidence, but I say Kaee ought to be convicted."

Court adjourned until 9:30 a. m., Monday Morning.



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PROCLAMATION.

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The right of WRIT OF HABEAS

CORPUS is hereby suspended and MARTIAL LAW is instituted and established throughout the Island of Oahu, to continue until further notice, during which time, however, the Courts will continue in session and conduct ordinary business as usual, except as aforesaid.

By the President:

SANFORD B. DOLE,

President of the Republic of Hawaii.

J. A. KING,

Minister of the Interior.

NOTICE.

All persons are hereby notified that they are strictly forbidden to use fire crackers, Chinese bombs, or any fire works whatever within the limits of Honolulu.

E. G. HITCHCOCK,

Marshal Republic of Hawaii.

Honolulu, January 22d, 1895.

3869-H

NOTICE.

Special Orders, No 26.

The Military Commission now in session in this city, convened by Special Orders No. 25, dated January 16, 1895, from these Headquarters will hold its sessions without regard to hours.

By order of the Commander-in-Chief,

JNO. H. SOPER,

Adjutant-General.

Adjutant-General's Office, Honolulu, January 19, 1895. 3897-H

Notice.

All bills against the Police Department, contracted between January 6 and February 14 are ordered to be presented to the Marshal before February 20th, 1895.

E. G. HITCHCOCK,

Marshal Republic of Hawaii.

3920-Gt

Saloon Notice.

From and after date liquors of all descriptions will be allowed to be sold at the licensed saloons, between the hours of 6 a.m. and 6 p.m., providing the same be drunk on the premises.

No liquors shall be taken away from such saloons excepting beer.

Any violation of this will cause such saloon to be immediately closed.

The presence of any person under the influence of liquor upon any saloon premises will also be sufficient to cause such saloon to be immediately closed.

E. G. HITCHCOCK,

Marshal, Republic of Hawaii.

February 6th, 1895.

3912-H

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3922-H

Assignee's Notice.

THE UNDERSIGNED HAVING been appointed Assignee in Bankruptcy of the Estate of C. L. Brito, of Honolulu, notice is hereby given to all creditors to have their approved claims presented to him within six months from date or they will be forever barred, and all persons owing said Estate are hereby demanded to make immediate payment to the undersigned at the office of M. W. McClesney & Sons, Honolulu.

F. W. MCCLESNEY,

Assignee of the Estate of C. L. Brito. Honolulu, February 11, 1895.

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